

**REMARKS/ARGUMENTS**

In this reply, Claims 3, 5-7, and 9 are amended. Support for the amendments to Claims 3 and 5-7 is obvious. Support for the amendment to Claim 9 can be found at least within paragraphs [0062], [0063], and [0064] of Applicant's specification. Thus, the amendments to the claims as indicated herein do not add any new matter to this application.

Claims 1 and 3-35 are pending in the application. The issues within the Office Action mailed May 28, 2008 will now be addressed, in order of appearance.

**I. ISSUES NOT RELATED TO PRIOR ART****A. EXAMINER INTERVIEW**

Applicants thank the examiner for the courtesy of the telephone interview that was held on July 22, 2008. Examiner William Goodchild represented the USPTO. Christopher M. Tanner represented the applicants. In the interview, the participants discussed Claims 1 and 9, as well as the Jensen and Arquie references. No agreement on allowability was reached.

**B. CLAIMS 3, 5-7—OBJECTIONS**

Claims 3 and 5-7 stand objected to (Office Action, Page 2, Section 1). Applicants believe that present claims 3 and 5-7 fully address the objections. Reconsideration is respectfully requested.

**II. ISSUES RELATED TO PRIOR ART**

Claim 33 stands rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by US Publication No. 2002/0186653 to Jensen (Office Action, Page 2, Section 3). Claims 1, 3-6, and 26-31 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Jensen in view of U.S. Patent No. 6,636,239 to Arquie (Office Action, Page 3, Section 5). Claims 8-25 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Arquie in view of Jensen (Office Action, Page 5, Section 6). These rejections are respectfully traversed.

**A. CLAIM 33—JENSEN**

Regarding the 102 rejection of claim 33, the Office Action contends that Jensen discloses receiving user input specifying an operation to perform on the cluster as a whole, for example at paragraphs [0014] and [0018] (Office Action, Page 2, Section 3). However, Jensen's paragraph [0014] describes a generic computer system with program instructions. Paragraph [0018] states that a mirroring module "may perform the functions for both the active and the standby router," and then enumerates various functions. However, none of the stated functions comprise **user input specifying an operation to perform on the cluster as a whole**, as claimed. Further, the phrase "both the active and standby router" most probably refers to interacting with each unit individually, not with a cluster as a whole, as claimed. At most, paragraph [0018] suggests that the mirroring module has program instructions that can perform functions for each of the active router and the standby router but nothing in the paragraph discloses or suggests that user input can be received requesting a whole-cluster operation. Interpreting program instructions as user input is not a reasonable interpretation, because no input is involved. Paragraphs 14 and 18 lack the claimed "single console control point for a network device cluster" and say nothing about "user input specifying an operation to perform on the cluster as a whole." The vague statements about a general-purpose computer and one module may perform functions for an active router and a standby router are far too non-specific to amount to a "disclosure" of the specific form of user input that applicants claim.

Claim 33 also recites transforming the operation specified in the user input into one or more device-specific operations for each of the active routers in the cluster. The Office Action relies on Jensen's paragraphs [0022] and [0027] to anticipate this (Office Action, Page 2, Section 3). This is incorrect. Neither paragraph [0022] nor paragraph [0027] recite transformation of user input into device-specific operations. Even if Jensen's program instructions could

constitute user input, the instructions are not transformed from one form into another; they are simply executed, directly resulting in device operations. In Claim 33, a user provides an instruction directed to the cluster, and that instruction is changed into multiple device-specific operations. Paragraphs [0022] and [0027] do not suggest this.

For at least the above reasons, the rejection of Claim 33 is unsupportable and should be withdrawn. Similarly, the rejections of all claims dependent therefrom are unsupported and should be withdrawn. Reconsideration is respectfully requested.

### **C. CLAIM 1—JENSEN IN VIEW OF ARQUIE**

Regarding claim 1, Arquie does not allow receiving user input specifying an operation to perform on the cluster as a whole, as recited in the claim. In fact, Arquie teaches away from the claimed approach, describing using a cursor to select a specific source node 322 (col. 4, line 12). However, Arquie discloses no way to select a LAN or switch group as a whole. Thus, a skilled artisan reading Arquie would not understand it to disclose providing user input for an operation “on a whole cluster” as claimed.

During the telephone interview of July 22, 2008, the Examiner referred to Jensen’s paragraph [0010] which discloses “sending routing information to both an active network node and one or more standby network nodes” (lines 5-6), and contended that paragraph 10 describes the claimed “operation” (sending routing information) being performed on multiple devices. The Examiner then extrapolated that this is sufficient to induce that Jensen’s operation could be performable on any number of devices, which the Examiner considered to be the same as the claimed “cluster as a whole”.

Applicant disagrees. Properly interpreted, paragraph 10 describes sending one copy of the routing information to an active node and other copy of one or more standby nodes. However, paragraph 10 does not state or suggest that one copy of the routing information could

be sent to a **cluster** or any other **single unit** representing both the active and standby nodes together. In contrast, Claim 1 recites, inter alia, “receiving, at a single console control point for a network device cluster, user input specifying an operation to perform on the cluster as a whole . . . wherein the cluster comprises a first switch device, a plurality of active routers, one or more standby routers, and a second switch device”. The claimed approach deals with a cluster **as a unit or as a whole**, separate and apart from its constituent devices. The claimed terms are not met by Jensen or Arquie. Claim 1 explicitly recites user input specifying an operation to perform on a cluster **as a whole**. Claims 8, 11, and 26 recite similar subject matter. These recitations are not shown in any combination of Jensen or Arquie.

For at least the above reasons, the rejection of Claims 1, 8, 11, and 26 are unsupportable and should be withdrawn. Similarly, the rejections of all claims dependent therefrom are unsupported and should be withdrawn.

#### **D. CLAIM 9—ARQUIE IN VIEW OF JENSEN**

Claim 9 recites, inter alia, a device operational overview for all devices in a specific cluster comprising, for each router in the stack of the cluster (whether currently in-use or not), a device status indicator, device connection information, failed connection information, and a second access icon for accessing information about connections of the first and second switch devices. From the above it is apparent that Claim 9 is directed not solely at an operational overview of connections between devices, but also an overview of the devices themselves.

The rejection of Claim 9 relies upon Arquie, a reference which is focused on the datapaths between various devices, but not on the devices themselves. Specifically, Arquie discusses showing a graphical representation of a datapath in FIG. 3 (col. 3, lines 56-57), and also discusses displaying a visual representation of a datapath itself (col. 4, lines 57-58). Part of how Arquie achieves this is by displaying a datapath as thick/thin [selected/unselected] and also

blue/gray [enabled/disabled] (col. 4, lines 55-65). However, Arquie is not capable of obtaining or displaying any status information about the devices themselves, but instead discloses information only about the datapaths leading to those devices.

During the telephone interview of July 22, 2008, in discussing this issue, the Examiner suggested that if one of Arquie's datapaths is disabled, the device connected to that datapath must also be disabled. Therefore, the claimed "device status indicator, device connection information" and "failed connection information" elements are met by Arquie.

Applicant disagrees. First, the separate discrete existence of all three of "device status indicator, device connection information" and "failed connection information" goes against the Examiner's theory. There are many instances in which connection (datapath) information can be separate from and entirely unrelated to device information. In diagnosing a failure, it may be very helpful to have a means for determining if a specific device failed but the connection to that device is working; or, if a connection leading to a device failed but the device itself is working.

Next, one other example supporting Applicant's disagreement would be to suppose that all device connections are working fine. If so, it would be impossible for Arquie to meet the claimed "device status indicator" and (separate) "device connection information" elements. Within Arquie, if everything is working fine, there is no way to determine the status of a device, i.e. "device status indicator".

For at least the above reasons, the rejection of Claims 9 is unsupportable and should be withdrawn.

Claim 9 also recites a device operational overview. In rejecting Claim 9, the Office Action relied in part on Jensen. However, Jensen fails to suggest the combination recited in Claim 9. A key feature of Jensen's active/standby router arrangement is that if the standby router is called into operation due to failure of the active, the standby router has essentially the same

routing and status information as the formerly active router (Jensen, paragraph [0029]). Thus, applying Jensen to Claim 9, Jensen's standby router would have essentially the same "device connection information" as the formerly active router. This is direct contradiction with Claim 9 which now recites an operational overview for "all devices in a specific cluster comprising, for each router in the stack of the cluster, . . ." (emphasis added). Because Jensen's standby router has the same device connection information as the active router, Jensen has no notion of displaying information about "each" router. Thus, combining Jensen with Arquie would still not achieve the elements recited within Claim 9.

During the telephone interview of July 22, 2008, in discussing this issue, the Examiner suggested amending the claims to clarify this distinction. Claim 9 has been amended. Support for this amendment can be found at least within paragraphs [0062], [0063], and [0064] of Applicant's specification.

Although the Office Action relies upon Jensen for the claimed cluster (Office Action, page 3, section 5), the Office Action simultaneously relies upon Arquie for the claimed "receiving, at a single console control point for a network device cluster, user input specifying an operation to perform on the cluster as a whole". This is incorrect. Arquie only allows a user to make alterations to a specific datapath (col. 4, lines 55-67), but does not discuss making changes to anything else, and never discusses an overall cluster in any context. None of Arquie's Storage Area Network (SAN) 312, first switch group 314, or second switch group 318 ever experience user input "specifying an operation to perform on [any of them] as a whole", as claimed. Instead, Arquie's user can select or unselect a datapath (change to thick/thin) and make that single datapath enabled or disabled (blue or gray) (col. 4, lines 55-65). Consequently, modifying Jensen to have features of Arquie, or vice versa, still does not suggest the claimed subject matter.

During the telephone interview of July 22, 2008, in discussing this issue, the Examiner mentioned that the rejection of Claim 9 should have also referred to Jensen's paragraphs [0007], [0010] (lines 18-22), [0012], and [0013] (lines 8-18). Jensen's paragraph [0010] (lines 18-22) discuss an active network node sending a control message to a standby network, thereby (potentially) forcing various connected network nodes to reconfigure their own routing information. But this **teaches away** from Applicant's invention, because Jensen's control message does not and can not originate from a user's input through a selected access icon, as claimed. Instead, Jensen's control message originates from an active network node, and never arises from any interaction with any user. Jensen's paragraph [0013] (lines 8-18) explain the difference between an active and a standby router, but does not discuss the elements of Claim 9.

For at least the above reasons, the rejection of Claim 9 is unsupported and should be withdrawn. Similarly, the rejections of all claims dependent therefrom are unsupported and should be withdrawn.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by e-mail or telephone

///

///

///

if it is believed that such contact would further the examination of the present application. As per MPEP Chapter 5, Applicant understands that Internet communications may not be secure.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

/christophermtanner#41518/

Dated: July 31, 2008

---

Christopher M. Tanner  
Reg. No. 41.518

ctanner@hptb-law.com  
2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1238  
Facsimile No.: (408) 414-1076